



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

AWOKOLA ET AL.

CASE NO: FA 1002 US NA

SERIAL NO: 09/873,714

GROUP ART UNIT: 1762

FILED: JUNE 4, 2001

EXAMINER: E. TSOY

**FOR: PROCESS FOR MULTILAYER
COATING OF SUBSTRATES**

DECLARATION UNDER 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Helmut Löffler, declare that:

I am a citizen of the Federal Republic of Germany and reside at
Ringstraße 86, 53773 Hennef.

I am an employee of E.I. du Pont de Nemours and Company ("DuPont").

I received an M.S. in Chemist from the University Paderborn (Germany).

I have worked for DuPont from 1988 to the present in Dupont Performance
Coatings (Development UV coatings).

I am a technical expert in paint coatings, and I am familiar with the above
reference patent application, as well as the December 27, 2002, Non-Final Office
Action, the May 14, 2003, Final Office Action, the July 31, 2003, Advisory Action,
the November 17, 2003, Non-Final Office Action, the March 22, 2004, Final Office
Action, the May 21, 2004, Advisory Action, the July 23, 2004, Non-Final Office
Action, the January 13, 2005, Final Office Action, the May 9, 2005, Advisory
Action, the June 22, 2005, Non-Final Office Action, and the references cited
therein.

The following are my remarks:

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1. The June 22, 2005, Office Action indicated that claims 1-3, 6, 10, and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Maag *et al.* (DE-A-197 57 082) in view of Richard (U.S. Patent No. 5,091,211). Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Maag *et al.* in view of Richard in further view of Brehm *et al.* (U.S. Patent No. 5,596,043).
2. When referring to Brehm *et al.*, I assume that the Examiner meant U.S. Patent No. 5,700,576 and not U.S. Patent No. 5,596,043, which issued to Harris *et al.*
3. In the June 22, 2005, Office Action, the Examiner's position is that the "surfacers coating composition of Maag *et al.* in view of Richard would produce no edge marks."
4. The Examiner states that Maag *et al.* disclose cycloaliphatic (meth)acrylates as reactive diluents. This statement is incorrect. Maag *et al.* disclose cycloaliphatic (meth)acrylates as preferred free radical-curing binders (see column 2, line 62 – column 3, line 9).
5. In Maag *et al.*, a number of monounsaturated reactive diluents are mentioned in long lists. In Maag *et al.*, mono-, di-, and polyunsaturated reactive diluents can be used (column 3, lines 13-35). Maag *et al.*, however, fails to teach the specific selection of cycloaliphatic acrylic acid esters (claim 1) and, more specifically, the selection of isobornyl (meth)acrylate (claim 8).
6. Attached hereto are experiments demonstrating that substitution of UV-curable reactive diluents disclosed in the references cited by the Examiner for that used and claimed in the present application produces coatings that could not be cured.
7. The experiments were performed under my instructions as follows. Two coating compositions were prepared as described in Example 2 of the present invention except that instead of using isobornyl acrylate, comparative coating composition 1 used 2-hydroxy ethyl methacrylate and comparative coating composition 2 used methyl methacrylate. Filler layers of the comparative coating compositions 1 and 2 were applied separately by spraying onto bright sheet steel to yield a dry layer thickness of 150 µm. Immediately after application, the filler layers were exposed to irradiation by a UV flash lamp (3500 W). Irradiation was performed by 30 flashes; a flash being triggered every four seconds.

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8. Neither comparative coating composition hardened. The comparative coatings were thus not sandable and could not be overcoated properly with top coats.

9. I conclude that the Examiner's position in the June 22, 2005, Office Action is incorrect because a surfacer coating composition of Maag *et al.* in view of Richard produces a coating that does not cure and, consequently, cannot be used to produce a coating without edge marks as claimed in the present invention.

10. I declare that all statements made herein are either based on my own knowledge and are true, or if based on information and belief are believed to be true. I also declare that all statements were made with knowledge that willful false statements, and the like, are punishable by either fine, or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and any such willful false statements may jeopardize the validity of either the patent application, or any patent issuing thereon.

By: 
 Helmut Löffler, M.S

Dated: October 30, 2005